IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2890 OF 2006

The State of Maharashtra ... Appellant
v/s.
Nana Alias Padmakar Keshav Kale & ors. ... Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Mr. V.B.K. Deshmukh, A.P.P.for the Appellant.

Mr. A.P. Mundargi with P.G. Sarda for the respondents.

CORAM: **V.G. PALSHIKAR &**
SMT. NISHITA MHATRE, JJ.

DATED: **24TH NOVEMBER, 2006**

P.C.:

. This application is directed against the order of acquittal recorded by 1st Ad-hoc Additional Sessions Judge, Solapur in sessions case commenced against the 12 accused persons for various offences, mainly, under Sections 302, 364, 201 read with 120(b) of Indian Penal Code as well as under Sections 147, 148, 364, 302, 201 read with 149 of Indian Penal Code

and under Sections 25(3) of Arms Act, under Section 37(1) read with 135 of the Bombay Police Act.

2. The learned trial Judge, on appreciation of the evidence on record, came to the conclusion that the prosecution has failed to prove any overtact on the part of accused Nos. 11 and 12. In so far as conspirary is concerned, the learned trial Judge has found that they were not part of the conspiracy. He, therefore, proceeded to acquit them. This acquittal is questioned by the State. The conviction of 10 other accused with the present respondents is also the subject matter of challenge in appeal.

2. We have considered the reasoning of the learned Trial Judge for granting acquittal. It cannot be said that the reasoning

is in any way incorrect, illegal or faulty. In such circumstances, we see no reason to interfere. Application rejected.

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